

Amendment and Response Under 37 C.F.R. §1.116 - Expedited Examining Procedure
Serial No.: 09/446,323
Confirmation No.: 2155
Filed: 20 March 2000
For: DEVICE FOR TAKING AND EXAMINING SAMPLES

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Amendments to the Claims

- Please amend claims 1, 12, 19, 21, and 24.
- Please cancel claim 3 without prejudice.

This listing of claims replaces all prior versions, and listings, of claims in the above-identified application:

Listing of Claims

1. **(currently amended)** A device for taking and examining samples, comprising a housing (50) in which a cartridge (30), a testing means (40) and a sample-taking means (10) are positioned, the sample taking means (10) comprising a sample chamber (20) and a surplus chamber, wherein the cartridge (30), during operation of the device, is displaceable within the housing (50) such that a sample introduced by means of the sample-taking means (10) is operable to form a sample mixture with a content of the cartridge (30), and wherein the testing means (40) is displaceable within the housing (50).
2. **(previously presented)** The device according to claim 1, wherein the sample-taking means (10) is operable to be introduced into an open end of the housing (50) and further wherein the sample-taking means (10) comprises a thread (18) which cooperates with a corresponding thread (53) in the housing (50).
- 3-6. **(canceled)**
7. **(previously presented)** The device according to claim 1, wherein one end of the cartridge (30) comprises an opening (32) which can be closed by means of a ball (33).
8. **(previously presented)** The device according to claim 1, wherein the cartridge (30) has a bottom (34) operable to be perforated.

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9. (canceled)

10. (previously presented) The device according to claim 1, wherein the testing means has the shape of a cylinder and has an end that tapers in the form of a truncated cone (41), wherein a tip thereof has an opening (42).

11. (previously presented) The device according to claim 1, wherein the testing means (40) is operable to be brought in contact with the content of the cartridge (30) if the sample-taking means (10) is arranged in the housing.

12. (currently amended) A kit for preparing a ready-to-use device for taking and examining samples comprising :

- (a) a sample-taking means device (10) for taking a sample, the sample taking device (10) comprising a sample chamber and a surplus chamber;
- (b) a housing (50) with a cartridge (30) arranged therein, the cartridge being displaceable ~~displaceable~~ relative to the housing (50); and
- (c) a testing means (40),

wherein the sample-taking means device (10) and the testing means (40) are introducible into the housing (50) and the testing means (40) is operable to be displaced after having been introduced into the housing (50).

13. (previously presented) A device for taking and examining samples, comprising a housing having positioned therein a cartridge, a testing means, and a sample-taking means, the sample-taking means comprising two half-tubes connected to each other, wherein the cartridge is displaceable within the housing such that a sample introduced by the sample-taking means is operable to form a sample mixture with a content of the cartridge, and wherein the testing means is displaceable within the housing.

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14. **(previously presented)** The device according to claim 13, wherein at least one of the two half-tubes comprises a first disk and a second disk defining a sample chamber.

15. **(previously presented)** The device according to claim 14, wherein the first disk comprises a sieve and an indentation, and further wherein an edge of the first disk comprises a cone-shaped ring.

16. **(previously presented)** The device according to claim 15, wherein the cartridge is cylindrically shaped and comprises, on one end, a truncated cone engageable with the cone-shaped ring.

17. **(previously presented)** The device of claim 13, wherein the two half-tubes are connected by a joint, and wherein the joint is selected from the group consisting of a film hinge and an elastic web.

18. **(previously presented)** The device of claim 14, wherein the first disk is coupled to the sample-taking means with predetermined breaking points.

19. **(currently amended)** A device for taking and examining samples, comprising:
a housing having a first end, a second end, and a passageway extending between;
a cartridge operable to be received in the first end of the housing, wherein the cartridge, during operation of the device, is displaceable within the passageway of the housing;
a sample-taking means operable to be at least partially received in the first end of the housing, the sample taking means comprising a sample chamber and a surplus chamber, wherein a sample introduced by the sample-taking means is operable to form a sample mixture with contents of the cartridge; and

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a testing means operable to be received in the second end of the housing, wherein the testing means is displaceable within the passageway of the housing such that the testing means can be brought in contact with the sample mixture.

20. **(previously presented)** The device of claim 19, wherein the sample-taking means couples to the first end of the housing.

21. **(withdrawn - currently amended)** A method for taking and examining samples, comprising:

collecting a sample in a sample-taking means, the sample-taking means comprising a sample chamber and a surplus chamber;

coupling the sample-taking means to a first end of a housing, the housing having a cartridge located therein;

displacing the cartridge relative to the housing;

combining the sample and contents of the cartridge to form a sample mixture;

providing a testing means at a second end of the housing; and

displacing the testing means relative to the housing, whereby the testing means contacts the sample mixture.

22. **(previously presented)** The device according to claim 1, wherein the testing means (40) is displaceable within the housing (50) between a first position, in which the testing means (40) does not contact the sample mixture, and a second position in which the testing means (40) makes contact with the sample mixture.

23. **(previously presented)** The device according to claim 13, wherein the testing means is displaceable within the housing between a first position, in which the testing means does not contact the sample mixture, and a second position, in which the testing means makes contact with the sample mixture.

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24. **(currently amended)** A device for taking and examining samples, comprising:
- a housing having a first end, a second end, and a passageway extending between the first end and the second end;
 - a cartridge operable to be received in the first end of the housing, wherein the cartridge, during operation of the device, is displaceable along a portion the passageway of the housing;
 - a sample-taking means comprising a sample chamber and a surplus chamber, the sample-taking means operable to be at least partially received in the first end of the housing, wherein a sample introduced by the sample-taking means forms a sample mixture with contents of the cartridge; and
 - a testing member operable to be received in the second end of the housing, wherein the testing member is displaceable along the passageway of the housing such that the testing member can be brought in contact with the sample mixture.
25. **(previously presented)** The device of claim 24, wherein the testing member comprises an elongate member comprising a test strip.
26. **(previously presented)** The device of claim 25, wherein the elongate member is cylindrical in shape.